

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

DUSTIN JAMES MCCORD)	
)	
)	
v.)	No. 1:13-cv-49
)	Collier/Carter
STATE OF TENNESSEE)	

MEMORANDUM

This *pro se* prisoner's civil rights action brought under 42 U.S.C. § 1983 was the subject of a prior order. In the cited order, which was entered on October 2, 2013, the Court advised plaintiff he had failed to comply with the dictates of 28 U. S. C. § 1915(b)(1), which required him to submit the entire civil filing fee of three hundred, fifty dollars (\$350) or file: (1) a motion to proceed *in forma pauperis*, (2) an affidavit listing his assets, and (3) a certified copy of his prison trust account statement reflecting the activity in the account for the six months preceding the filing of the complaint. Plaintiff was issued the following warning:

Therefore, unless within thirty (30) days of the date of entry of this order, plaintiff pays the entire filing fee of \$350.00 or submits an *in forma pauperis* application, the affidavit, and the certified trust account statement, the Court will assume he is not a pauper, assess the entire filing fee, and dismiss this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. Should this action be dismissed, it will not be reinstated, even if plaintiff later pays the fee or requests pauper status. [Ct. File No. 2].

More than thirty days have passed since the order was entered. The Court's correspondence containing the order has not been returned by the postal authorities, and the Court has heard nothing from plaintiff. Given these facts, the Court assumes plaintiff does not intend to proceed in this case

and will **DISMISS** this action by separate order for his failure to prosecute his claims. *See* Fed. R. Civ. P. 41(b).

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE